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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/615,468      | 07/13/2000  | Stefan Jones         | 50277-1535          | 4913             |

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EXAMINER

DEMICO, MATTHEW R

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 08/27/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/615,468             | JONES, STEFAN       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Matthew R Demicco      | 2697                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 July 2000.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2000 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because the drawings filed in the instant application appear to be intended for another invention altogether. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 10-15, 20-24 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,337,710 to Watkins.

Regarding Claim 1, Watkins discloses a method for generating a digital video stream (Col. 3, Lines 32-34) comprising at a media generator (Col. 2, Lines 50-57), generating intermediate digital content (Col. 3, Lines 35-41) based on data that indicates what content to include (See Figure 4 and Col. 4, Lines 30-49) in the digital video stream without digitizing an analog video stream. Further disclosed is transferring the intermediate digital content to an encoder (Col. 3, Lines 22-23), which encodes the intermediate digital content into the digital video stream.

Regarding Claim 2, Watkins discloses a method as stated above in Claim 1 further comprising the preceding steps of presenting a user with a list of available configuration options (See Figures 4 and 5 and Col. 5, Lines 14-16). It is inherent in such a system that the user's selections of configuration options be recorded. This reads on the claimed recording a set of user preferences that correspond to the list of available configuration options selected by said user. Further, the options must be transferred to the media generator in order for them to take effect.

Regarding Claim 3, Watkins discloses a method as stated above in Claim 1 wherein the data that indicates what content to include in the digital video stream includes altering colors, intensities, specifying a library element, pattern, motion, or any combination of the above (Col. 4, Lines 40-61).

Regarding Claim 4, Watkins discloses a method as stated above in Claim 1 wherein the media generator is operatively connected to a local storage (See Figure 1, 112 and Figure 2, 110 and Figure 3, 202), the local storage storing electronic still images or video (Col. 3, Lines 35-37).

Regarding Claim 5, Watkins discloses a method as stated above in Claim 4 wherein the step of generating intermediate digital content comprises the media generator retrieving digital pictures and video from the local storage (Col. 3, Lines 32-41).

Regarding Claim 10, Watkins discloses a method as stated above in Claim 1 wherein an encoder chip is used in a test card for encoding the intermediate digital video (Col. 3, Lines 62-65). It is well known in the art that such dedicated encoder chips are designed to operate in real time. Watkins also discloses the possibility of using a

software-based encoder running on the computer's CPU (Col. 3, Lines 57-60). It is well known that a software-based encoder may be real time dependent on the processing speed of the CPU.

Regarding Claim 11, Watkins discloses a computer-readable medium carrying one or more sequences of instructions (Col. 3, Lines 1-6) for presenting dynamic content (Col. 3, Lines 32-34). In the invention of Watkins the source, control, encoder, and destination of the media is embodied in a single computer with one processor (See Figure 3). However, it is well known in the art that these functions may be broken up across multiple computers in a client/server relationship. Further, the invention of Watkins comprises a media generator (Col. 2, Lines 50-57), generating intermediate digital content (Col. 3, Lines 35-41) based on data that indicates what content to include (See Figure 4 and Col. 4, Lines 30-49) in the digital video stream without digitizing an analog video stream. Further disclosed is transferring the intermediate digital content to an encoder (Col. 3, Lines 22-23), which encodes the intermediate digital content into the digital video stream.

Regarding Claims 12-15 and 20, Watkins discloses a computer-readable medium as stated above in Claims 2-5 and 10.

Regarding Claim 21, Watkins discloses an apparatus for generating dynamic digital content (Col. 3, Lines 32-34) comprising a media generator (Col. 2, Lines 50-57), generating intermediate digital content (Col. 3, Lines 35-41) based on data that indicates what content to include (See Figure 4 and Col. 4, Lines 30-49) in the digital video stream without digitizing an analog video stream. Further disclosed is transferring the

intermediate digital content to an encoder (Col. 3, Lines 22-23), which encodes the intermediate digital content based upon the data indicating how to configure the digital content (See Figures 4-5), wherein the configuration manager is operatively connected to the media generator.

Regarding Claim 22, Watkins discloses a apparatus as stated above in Claim 21 further comprising a configuration manager means for recording the data indicating how to configure the digital content. Watkins further discloses presenting a user with a list of available configuration options (See Figures 4 and 5 and Col. 5, Lines 14-16). It is inherent in such a system that the user's selections of configuration options be recorded. In the system of Watkins, the configuration manager is a computer program running on the digital editing system (See Figure 1) and is therefore operatively connected to the media generator.

Regarding Claim 23, Watkins discloses an apparatus as stated above in Claim 3.

Regarding Claim 24, Watkins discloses an apparatus as stated above in Claim 21 wherein the media generator means is operatively connected to a local storage (See Figure 1, 112 and Figure 2, 110 and Figure 3, 202) whereby the local storage stores digital pictures and video (Col. 3, Lines 35-37). The media generator retrieves the digital content from the local storage in generating the digital content (Col. 3, Lines 32-41). It is inherent that such video files could contain sound data as well.

Regarding Claim 29, Watkins discloses an apparatus as stated above in Claim 10.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-9, 16, 18-19, 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins in view of well known prior art.

Regarding Claim 6, Watkins discloses a method as stated above in Claim 1. What is not disclosed, however, is the generation of a timestamp in the intermediate digital content on one or more frames. Official Notice is hereby taken that it is well known in the art of video editing and testing that timestamps may be inserted into video content for diagnostic purposes and to increase the ease in editing video. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video encoder testing method of Watkins with the time stamps of the well-known prior art in order for a tester to identify specific frames that may contain problems.

Regarding Claims 8 and 9, Watkins discloses a method as stated above in Claim 1. What is not disclosed, however, is that the GUI presented to the user with the list of available configuration options is presented with one or more web pages and that the information is transferred via Internet or Intranet. Official Notice is hereby taken that it is well known in the art of user interfaces that a web page may be used to present a user with configuration options when setting up or configuring software from either a local or remote location. Further, it is well known that a network such as the Internet or a local

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Intranet may be used to transport the data to the user from the server and vice versa when using such a web-based interface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the configuration GUI of Watkins with the web page and network of the well-known prior art in order to enable an operator to configure the system from a local or remote location using widely available web browser software.

Regarding Claims 16 and 18-19, Watkins in view of the well-known prior art disclose a computer-readable medium as stated above in Claims 6 and 8-9.

Regarding Claims 25 and 27-28, Watkins in view of the well-known prior art disclose an apparatus stated above in Claims 6 and 8-9.

5. Claims 7, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins in view of U.S. Patent No. 6,057,882 to van den Branden Lambrecht et al.

Regarding Claim 7, Watkins discloses a method as stated above in Claim 1. What is not disclosed, however, is that the digitization is in accordance to at least one of the DVB, ATSC, MPEG-1, MPEG2, AVI, Quicktime, or MPEG-4 standard. Lambrecht discloses a video encoder testing method with an encoder that is compatible with the MPEG standard (Col. 3, Lines 6-21). Further Lambrecht discloses the use of a non-MPEG protocol. Lambrecht is evidence that ordinary workers in the art would recognize the benefits of using either an MPEG or other video standard in a video encoder testing system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Watkins with the MPEG

standard of Lambrecht in order to provide for a testing environment that is able to test the encoding standards most widely used in the target markets, such as MPEG.

Regarding Claim 17, Watkins in view of Lambrecht disclose a computer-readable medium as stated above in Claim 7.

Regarding Claim 26, Watkins in view of Lambrecht disclose an apparatus as stated above in Claim 7.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,274,445 to Overton et al. discloses a video codec testing system with programmable test signals including a background and foreground component test signal such as color bars.
- b. U.S. Patent No. 5,313,280 to Straus discloses a video codec testing system utilizing a plurality of motion graphics scenes read by a digital video player.
- c. U.S. Patent No. 5,499,050 to Baldes et al. discloses a real-time monitoring system for image compression using a video generator.
- d. U.S. Patent No. 5,874,991 to Steinberg et al. discloses a video test pattern generator with user interaction.
- e. U.S. Patent No. 5,920,340 to Man et al. discloses a multimedia testing system with a video capture circuit and a television encoder with various video test sources.

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f. U.S. Patent No. 6,323,828 to Perez discloses a video output testing system that generates a test pattern.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

mrd

mrd  
August 22, 2003

  
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